

## PROPOSED CONSTITUTIONAL AMENDMENTS

H.J.R. 21

### H.J.R. No. 16

#### A JOINT RESOLUTION

proposing a constitutional amendment to authorize a county, a city or town, or a junior college district to establish an ad valorem tax freeze on residence homesteads of the disabled and of the elderly and their spouses.

*BE IT RESOLVED BY THE Legislature of the State of Texas:*

SECTION 1. Section 1-b, Article VIII, Texas Constitution, is amended by adding Subsection (h) to read as follows:

*(h) The governing body of a county, a city or town, or a junior college district by official action may provide that if a person who is disabled or is sixty-five (65) years of age or older receives a residence homestead exemption prescribed or authorized by this section, the total amount of ad valorem taxes imposed on that homestead by the county, the city or town, or the junior college district may not be increased while it remains the residence homestead of that person or that person's spouse who is disabled or sixty-five (65) years of age or older and receives a residence homestead exemption on the homestead. As an alternative, on receipt of a petition signed by five percent (5%) of the registered voters of the county, the city or town, or the junior college district, the governing body of the county, the city or town, or the junior college district shall call an election to determine by majority vote whether to establish a tax limitation provided by this subsection. If a county, a city or town, or a junior college district establishes a tax limitation provided by this subsection and a disabled person or a person sixty-five (65) years of age or older dies in a year in which the person received a residence homestead exemption, the total amount of ad valorem taxes imposed on the homestead by the county, the city or town, or the junior college district may not be increased while it remains the residence homestead of that person's surviving spouse if the spouse is fifty-five (55) years of age or older at the time of the person's death, subject to any exceptions provided by general law. The legislature, by general law, may provide for the transfer of all or a proportionate amount of a tax limitation provided by this subsection for a person who qualifies for the limitation and establishes a different residence homestead within the same county, within the same city or town, or within the same junior college district. A county, a city or town, or a junior college district that establishes a tax limitation under this subsection must comply with a law providing for the transfer of the limitation, even if the legislature enacts the law subsequent to the county's, the city's or town's, or the junior college district's establishment of the limitation. Taxes otherwise limited by a county, a city or town, or a junior college district under this subsection may be increased to the extent the value of the homestead is increased by improvements other than repairs and other than improvements made to comply with governmental requirements and except as may be consistent with the transfer of a tax limitation under a law authorized by this subsection. The governing body of a county, a city or town, or a junior college district may not repeal or rescind a tax limitation established under this subsection.*

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on September 13, 2003. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to permit counties, cities and towns, and junior college districts to establish an ad valorem tax freeze on residence homesteads of the disabled and of the elderly and their spouses."

Passed by the House on May 2, 2003: Yeas 143, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.J.R. No. 16 on May 29, 2003: Yeas 139, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 27, 2003: Yeas 27, Nays 0.

Filed with the Secretary of State May 30, 2003.

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### H.J.R. No. 21

#### A JOINT RESOLUTION

proposing a constitutional amendment to prohibit an increase in the total amount of school district ad valorem taxes that may be imposed on the residence homestead of a disabled person.

*BE IT RESOLVED BY THE Legislature of the State of Texas:*

SECTION 1. Section 1-b(d), Article VIII, Texas Constitution, is amended to read as follows:

(d) Except as otherwise provided by this subsection, if a person receives a [the] residence homestead exemption prescribed by Subsection (c) of this section for homesteads of persons *who are sixty-five (65) years of age or older or who are disabled*, the total amount of ad valorem taxes imposed on that homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person or that person's spouse who receives the exemption. If a person sixty-five (65) years of age or older dies in a year in which the person received the exemption, the total amount of ad valorem taxes imposed on the homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person's surviving spouse if the spouse is fifty-five (55) years of age or older at the time of the person's death, subject to any exceptions provided by general law. The legislature, by general law, may provide for the transfer of all or a proportionate amount of a limitation provided by this subsection for a person who qualifies for the limitation and establishes a different residence homestead. However, taxes otherwise limited by this subsection may be increased to the extent the value of the homestead is increased by improvements other than repairs or improvements made to comply with governmental requirements and except as may be consistent with the transfer of a limitation under this subsection. For a residence homestead subject to the limitation provided by this subsection in the 1996 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 1997 tax year and subsequent tax years in an amount equal to \$10,000 multiplied by the 1997 tax rate for general elementary and secondary public school purposes applicable to the residence homestead.

SECTION 2. The following temporary provision is added to the Texas Constitution:

*TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by H.J.R. No. 21, 78th Legislature, Regular Session, 2003, and expires January 2, 2004.*

*(b) The amendment to Section 1-b(d), Article VIII, of this constitution takes effect beginning with the tax year that begins January 1, 2004.*

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held September 13, 2003. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit an increase in the total amount of school district ad valorem taxes that may be imposed on the residence homestead of a disabled person."

Passed by the House on April 29, 2003: Yeas 141, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.J.R. No. 21 on May 29, 2003: Yeas 140, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 27, 2003: Yeas 31, Nays 0.

Filed with the Secretary of State June 2, 2003.

## H.J.R. No. 23

### A JOINT RESOLUTION

proposing a constitutional amendment permitting refinancing of a home equity loan with a reverse mortgage.

*BE IT RESOLVED BY THE Legislature of the State of Texas:*

SECTION 1. Section 50(f), Article XVI, Texas Constitution, is amended to read as follows:

(f) A refinance of debt secured by the homestead, any portion of which is an extension of credit described by Subsection (a)(6) of this section, may not be secured by a valid lien against the homestead unless the refinance of the debt is an extension of credit described by Subsection (a)(6) or (a)(7) of this section.